

A RESOLUTION approving the exchange of property with the County of Allen pursuant to I.C. 36-1-11-8.

WHEREAS, the City of Fort Wayne is the owner of a certain tract of real estate legally described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the County of Allen owns a certain tract of real estate described in Exhibit "B," attached hereto and made a part hereof;

WHEREAS, the City and the County desire to exchange said properties;

WHEREAS, such transfer will result in the displacement of certain ball diamonds currently used for youth, scholastic and amateur baseball/softball competition;

WHEREAS, the tract of land being exchanged by the County of Allen is not a suitable location for relocating the displaced diamonds;

WHEREAS, suitable locations for relocating the displaced diamonds are available on the IPFW campus;

WHEREAS, any transfer of land should be conditioned upon the County of Allen, by and through the Allen County War Memorial Coliseum, paying the costs and expenses associated with relocating the displaced ball diamonds;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The exchange of the real estate owned by the City of Fort Wayne and legally described in Exhibit "A" for the real estate owned by the County of Allen and legally described in Exhibit "B" is hereby approved, subject to the conditions set forth herein.

SECTION 2. Said transfer is conditioned upon relocating any displaced ball diamonds on property located within the IPFW campus.

SECTION 3. Said transfer is further conditioned



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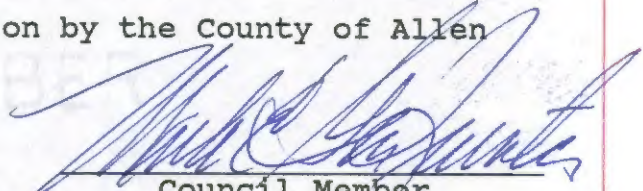
SECTION 2. Said transfer is conditioned upon relocating any displaced ball diamonds on property located within the IPFW campus.

SECTION 3. Said transfer is further conditioned




upon the County of Allen, by and through the Allen County War Memorial Coliseum, paying the first \$100,000.00 in expenses associated with said diamond relocation and related moving of equipment.

SECTION 4. This Resolution shall be in full force and effect upon signature by the Mayor and adoption of a substantially identical resolution by the County of Allen

  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

  
J. Timothy McCaulay, City Attorney



## EXHIBIT "A"

## CENTRAL UTILITIES FIELD

## LEGAL DESCRIPTION

Part of the fractional Northeast Quarter of Section 25, Township 31 North, Range 12 East, Allen County, Indiana described as follows:

Commencing at the northwest corner of said Northeast Quarter; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) on the west line thereof 460.1 feet; thence South 66 degrees 03 East on and along the south right of way line of Coliseum Boulevard 1898.6 feet to the east line of the former Wabash and Erie feeder canal and the POINT OF BEGINNING; thence South 66 degrees 11 minutes East, continuing on and along said right of way line, 531.65 feet; thence South 00 degrees 39 minutes 14 seconds West 79.3 feet; thence South 60 degrees 00 minutes East 100.0 feet; thence South 25 degrees 00 minutes East 65.0 feet; thence South 20 degrees 52 minutes West 80.0 feet; thence South 44 degrees 22 minutes 30 seconds West 275.0 feet; thence South 33 degrees 52 minutes 30 seconds West 203.0 feet; thence South 22 degrees 52 minutes 30 seconds West 155.0 feet; thence North 67 degrees 37 minutes 22 seconds West 630.0 feet to the aforesaid east line of the former Wabash and Erie feeder canal; thence North 26 degrees 50 minutes East on said east line 835.7 feet to the point of beginning, containing 12.35 acres more or less.



*Timothy F. Owens*



## EXHIBIT "B"

SEC 2

## COUNTY LAND PARCEL

CERTIFICATE OF SURVEY

This document and attached plat is a record of a survey of land and real estate prepared in conformity with the minimum standards set forth by the Indiana State Board of Registration, effective date July 21, 1988 and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full as shown herewith in feet. It is free from encroachments by adjoining land owners unless specifically stated. Corners are perpetuated as indicated.

## Description of real estate:

## Legal Description of Tippman property (FM #87-10560)

Part of the Northwest quarter of Fractional Section 2, Township 30 North, Range 13 East, Allen County, Indiana more particularly described as follows:

Commencing at the northeast corner of said northwest quarter (iron pin found); thence South 88 degrees 56 minutes 07 seconds West (assumed) along the north line of said northwest quarter a distance of 1122.0 feet (deed call) to the point of beginning; thence continuing South 88 degrees 56 minutes 07 seconds West along said north line a distance of 1118.8 feet (recorded 1122 feet) to the east line of the Kercheval Reserve; thence South 1 degree 48 minutes 37 seconds East along the east line of said Kercheval Reserve a distance of 2272.83 feet to the center line of North River Road; thence South 71 degrees 51 minutes 53 seconds East along said center line a distance of 887.30 feet to a point of curvature; thence along said curve, to the left, having a radius of 670 feet, a chord bearing of South 82 degrees 54 minutes 18 seconds East and a chord length of 256.61 feet to a PK nail (found); thence North 1 degree 07 minutes 32 seconds West a distance of 2600.86 feet to the point of beginning, containing 62.22 acres, more or less.

Described tract subject to all easements and right-of-way of record.

Described tract does not lie within a Flood Hazard Zone as said tract plots by scale on Community Panel #18003C0285 D of the Flood Insurance Rate Maps for Allen County (maps dated September 28, 1990).

● - 1/2" IRON PIN W/CAP SET    EMBURY ENGINEERING & ASSOC., INC.  
□ - FENCE POST FOUND        4605 ILLINOIS ROAD  
○ - IRON ROD FOUND  
RRS - RAILROAD SPIKE        FORT WAYNE, INDIANA 46804  
△ - HARRISON MARKER



A RESOLUTION approving the exchange of property within the County of Allen pursuant to I.C. 36-1-11-8.

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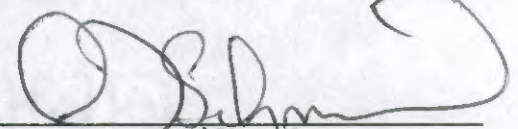
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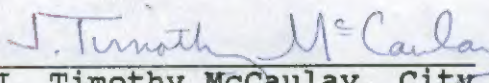
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The exchange of the real estate owned by the City of Fort Wayne and legally described in Exhibit "A" for the real estate owned by the County of Allen and legally described in Exhibit "B" is hereby approved.

SECTION 2. This Resolution shall be in full force and effect upon signature by the Mayor and adoption of a substantially identical resolution by the County of Allen.

  
Councilmember

APPROVED AS TO FORM  
AND LEGALITY

  
J. Timothy McCaulay, City Attorney



upon the County of Allen, by and through the Allen County War Memorial Coliseum, paying the first \$100,000.00 in expenses associated with said diamond relocation and related moving of equipment.

SECTION 4. The Mayor shall not be authorized to sign any deed of transfer representing said transaction unless the City has received a memorandum of understanding from the Board of Trustees of the Allen County War Memorial Coliseum that the Coliseum will not raze, or otherwise abandon, "Carrington Field" baseball diamond and adjoining appurtenance for any purpose other than the construction of a new stadium suitable for minor league baseball without the consent of the Fort Wayne City Council.

SECTION 5. This Resolution shall be in full force and effect upon signature by the Mayor and adoption of a substantially identical resolution by the County of Allen

*Mark C. Diaz Quintana*  
\_\_\_\_\_  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

\_\_\_\_\_  
J. Timothy McCaulay, City Attorney



Read the first time in full and on motion by Quadd, and duly adopted, read the second time title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building Fort Wayne, Indiana, on 8-27-91, the 8 o'clock P.M., E.S.

DATED: 8-27-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Quadd, and duly adopted, placed on its passage. PASSED Quadd by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>	<u>1</u>		
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD		<u>✓</u>		
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 10-22-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. D-58-91 on the 22nd day of October, 19 91.

Sandra E. Kennedy ATTEST  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, or the 23rd day of October, 1991 at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 1st day of November 19 91, at the hour of 11:45 o'clock A.M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR



DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

DEPARTMENT REQUESTING ORDINANCE

SYNOPSIS OF ORDINANCE APPROVES THE EXCHANGE OF CERTAIN TRACTS OF  
REAL ESTATE BETWEEN THE CITY OF FORT WAYNE AND THE COUNTY OF  
ALLEN.

*R-91-08-36*

*(as amended)*

*(as amended)*

EFFECT OF PASSAGE REAL ESTATE CAN BE EXCHANGED.

EFFECT OF NON-PASSAGE REAL ESTATE WILL NOT BE EXCHANGED.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

\* EXHIBITS "A" AND "B" TO BE SUPPLIED AT COMMITTEE HEARING.



*Held  
Oct 15*

BILL NO. R-91-08-36 *(as amended)* (as amended)

*Hold till  
next week  
for Amendment  
from Stan*

REPORT OF THE COMMITTEE ON FINANCE

MARK E. GIAQUINTA, CHAIRMAN  
DONALD J. SCHMIDT, VICE CHAIRMAN  
BRADBURY, REDD, BURNS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS  
REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) approving the exchange of  
property within the County of Allen pursuant to I.C. 36-1-11-8

HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(~~ORDINANCE~~) (RESOLUTION)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<i>[Signature]</i>	<i>[Signature]</i>		
<i>[Signature]</i>			
<i>[Signature]</i>			

DATED: 10-22-91

Sandra E. Kennedy  
City Clerk



representing  
said transaction

SECTION 4. The Mayor shall not be authorized to sign any deed of transfer unless the City has received a memorandum of understanding from the Board of Trustees of the Allen County War Memorial Coliseum that the Coliseum will not ~~rage~~, or otherwise abandon, "Carrington Field" <sup>baseball</sup> ~~baseball~~ <sup>designed and abutting opportunities</sup> for any purpose other than the construction of a new stadium suitable for minor league baseball without the consent of the Fort Wayne City Council.

Section 4 - now Section 5